

S/N 09/350,251

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Arye Malek et al. Examiner: John Q. Nguyen
Serial No.: 09/350,251 Confirmation #7789 Group Art Unit: 3654
Filed: July 08, 1999 Docket: 6139.059US1
Title: TRAY FLIPPER AND METHOD FOR PARTS INSPECTION

AMENDMENT AND RESPONSE AFTER FINAL UNDER 37 C.F.R. § 1.116

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant is filing herewith a Notice of Appeal. Applicant believes that no fee for the Notice of Appeal is due since Applicant previously appealed twice, the first time paying the \$160 Notice of Appeal fee by check on July 15, 2003, and the second time the \$250 Notice of Appeal fee was debited from Deposit Account 502931 on December 30, 2004, and it was the Examiner who pulled the case from appeal in both instances. However, if any fee is due for this response or for the Notice of Appeal, please charge Deposit Account 502931.

Applicant has carefully reviewed and considered the Advisory Action mailed April 7, 2007. In the April 7th Advisory Action, the Examiner did not consider any of the arguments in the Applicant's April 5, 2007 Response to the February 5, 2007 Final Office Action. Rather, solely on the basis of Applicant's *de minimus* alteration of language in claim 21 from perpendicular to "a longer" side to perpendicular to "the length" side in Applicant's Response to Final Office Action as required by the Examiner, the Examiner in the April 7th Advisory Action maintained that "The proposed change to claim 21 raises new issues that would require further consideration and search." Applicant respectfully traverses. (It is to be pointed out that Applicant's April 5th *de minimus* change in language to claim 21, to clarify antecedent basis, was necessitated by the Examiner's remark in the February 5th Final Office Action: 'In claim 21, it is not clear how the "longer side" is related to the "length side".') The Examiner did not explicitly

specify any new issue that was raised by the proposed modest change in language in claim 21 that could possibly require a new search, and the Applicant obviously cannot respond to something that has not been identified. However, the Applicant sees no new issues that would be raised by the proposed change in claim 21 that would require further search, and therefore respectfully traverses the Examiner's statement that "The proposed change to claim 21 raises new issues that would require further consideration and search." Solely to advance prosecution of the present case, however, in this present Amendment and Response in reply to the April 7, 2007 Advisory Action, the Applicant is cancelling claim 21 (see below). Since the sole objection raised in the April 7, 2007 Advisory Action was in relation to a proposed change in the language of claim 21, the cancelling of claim 21 here below simplifies the issues that are to be considered. Applicant therefore respectfully requests that amendments herein be entered, and that the Examiner respond in full to Applicant's Remarks that follow the Amendments.

Again, Applicant has carefully reviewed and considered the Final Office Action mailed on February 5, 2007, and the references cited therewith. Please amend the above-identified patent application as follows. Applicant's Remarks follow the amendments.

This reply is being filed within three months of the mailing date of the Final Office Action. If required and not otherwise provided herein, please consider this a Petition for Extension of time for the necessary number of months to enter these papers and charge any required fee or credit overpayment to deposit account 502931.